

# THE MOUNTAINEER.

GREAT SALT LAKE CITY.

SATURDAY, DECEMBER 22, 1860.

## EXECUTIVE AND JUDICIARY.

In looking over the Governor's message to the Council and House of Representatives of the Legislature of Utah, we find the following remarks:

"GENTLEMEN:—The Judges of the Supreme Court of this Territory, having advised me recently that their predecessors had exceeded the limits of their authority in attempting to fix the times and places of holding courts for the trial of Territorial cases in their respective districts, and that therefore their action in the case was virtually null, I took the matter into consideration, and decided that the public interest demanded that there should be no farther delay in holding sessions of the several district courts; that no doubt ought to exist in relation to the proper times and places of holding them; and that the duty of creating or modifying the districts for the Judges, assigning them to their respective districts, and providing the funds necessary for holding such courts, devolved properly upon the Legislative Assembly."

The above remarks, although trivial, apparently, are matters of great financial importance to the inhabitants of this Territory.

With the propriety of calling an extra session of the Legislature for the furtherance of judicial action, and the prompt administration of justice, we have nothing to say at present. Nor will we here animadvert upon the action of the Legislative Assembly, the recommendations of his Excellency, or the right of the veto of the Governor of their acts; are his, and their business. So far as the assembly in their legislative capacity are concerned, they were perfectly free to take such action as they in their deliberative wisdom saw proper. And the Governor had an equal right to the exercise of his veto power. But there is one little item that concerns the interest of our citizens; and that is the clause used by his Excellency, in assigning the Judges, "and providing funds necessary for holding such courts."

What can be meant by this remark, which strictly accords with the veto of his Excellency? That veto states: "I regret to perceive, upon the examination of the minutes, that the assembly failed to make the appropriations necessary to the sustaining of the District Courts at the times indicated in the acts of assignment of the Judges to their respective districts. I therefore respectfully decline to give my official assent to the proposed assignment."

These remarks to the uninitiated would be enigmatical, and a stranger would very naturally be led to suppose that there really were no provisions made for holding such courts.

These remarks are, not new; they have been reiterated and reiterated before, by several of our federal judges, and were so frequent and urgent that many were led to suppose that there was something materially out of joint; some flagrant omission in the law that needed an immediate remedy; that the people, the Legislature, or both, were inimical to the holding of federal courts, and the administration of justice, or that the authorities of our counties or municipalities had been disconcerted in not furnishing houses for the courts to administer in, and that the hands of justice had been paralyzed in consequence of a culpable neglect in the Legislature, gross incivility on the part of our city or county authorities, or obstructions thrown in the way by the citizens. Such, indeed, has been alleged over and over again.

Now, what are the facts? It is notorious that no such obstructions ever existed in this Territory. The Council House, in this city, has, for years past, been tendered to, and used by the United States courts; and during Judge Sinclair's administration, through the politeness of Governor Young, he had the free use of the house occupied by the Legislature; and we now have a Court House which it will be found very difficult to excel in any of our eastern cities. In Provo city, during the sitting of the notorious Cradlebaugh, the municipal authorities furnished the academy for court purposes, although menaced at the same time by a belligerent army, and even furnished rooms as quarters for its officers. It cannot, therefore, be that his Excellency refers to buildings, court houses or court accommodations. If "the funds necessary for holding such courts," are not needed for court houses or buildings to hold courts in, for what are they required? To pay sheriffs, juries, clerks, witnesses, &c.? No. All cases arising under the United States laws are paid out of the United States treasury; and for all cases arising under the laws of this Territory, up to the year '58-9, a territorial statute left it discretionary with the federal judges, and at that session a fee bill was provided, not indeed, apparently very lavish, but such as was supposed to be all that a new territory, with limited resources, could afford. What, then, are these "funds" required for? Not for houses, or rooms, or witnesses, sheriffs, juries or clerks; marshals or bailiffs. For what then? Not for the United States judges,

They are paid by the Federal Government. It certainly cannot be for marshals, brandy-sling, Scheidam-Schnaps, champagne-sippers, oyster-stews, or clam-soups. Whence, then, arises this hue and cry about "funds" for courts?

We have frequently heard of remarks unofficially made by Judges Sinclair, Cradlebaugh and others; but it has now assumed so much importance that the Governor recommends it to the particular attention of the Legislative Assembly, at its special session. And because it had been presumed that no bill had been provided for court expenses, the very absence of this provision is considered sufficient cause to veto the acts of an extra session of the Legislature, called ostensibly for the furtherance of the ends of justice. Really, things are becoming very serious. But again, how, what, and wherein is the deficiency? Our laws provide for the issue of process, and for the arresting of criminals. The judicial officer who directs the service of the process is paid, the clerk acting under his direction is paid, the marshal, sheriff or constable serving such process, is paid; payment to the bailiffs, or other attendants upon the court, is provided for; provisions are made for the payment of the service of the capias, the complete trial of the culprit, and the service of the mittimus, that conveys him to his gloomy lodgings, and subsequently the jailer or warden, are provided for by law with a proper recompense. Thus, from the first arrest of a criminal to his lodgment in the penitentiary, all are paid. What more is needed for the administration of justice? Our Probate courts have done a great deal more business than the Federal courts; they do not complain; the same provisions of law apply equally to both. In justice so much better administered in the federal courts, that they require extra privileges for their superior labors? The remarks of his Excellency are certainly not very flattering to the latter, wherein he says that "the judges of the Supreme court of this Territory, having advised me recently that their predecessors had exceeded the limits of their authority in attempting to fix the times and places of holding courts for the trial of Territorial cases, in their respective districts, and that therefore their action in the case was virtually null."

What shall we do? Throw open the scanty treasury of a young Territory, the limited resources of which are wrung from the toil and sweat of the honest laborer, to be probably squandered by officers, the predecessors of whom are declared lawless, and their "acts null"? Let us pause; and as the present judges and executive have taken the initiative (and we believe all they say) it may not be presumptuous in us to take a retrospective view. What encouragement have we for such a procedure? During the administration of some of our former judges, and while it was supposed that the department at Washington would supply all the requisitions made upon them by the Federal judges, there were special services needed (it was supposed) for the administration of justice, and hence order upon order was issued by Marshal Heywood under the direction of the judges, and these drafts were paid by our merchants to the amount of \$65,000. What became of these? They were repudiated by the department in Washington, and the merchants nearly ruined by the lavish and inconsiderate orders of the judges. We are credibly informed that Col. Hooper now holds twenty-five thousand dollars of these drafts, and Mr. Heywood, acting under their direction, was financially dishonored in Washington, and thereby crippled in his means ever since. What is the cause of this? Providing for the extra-judicial acts of courts and their injudicious use of funds.

Come we now to the notorious vagabond, Judge Cradlebaugh, the "military judge." He could not hold his court in Provo without several companies of military, supported by a park of artillery, and thus, under cover of a battery, surrounded by epauletted gentlemen, marshaled troops, bristling bayonets, and all the pomp and circumstance of war, he sat in martial dignity, clothed with the sacred ermine, to administer justice to the free and independent citizens of an enlightened republic. What the cost of this court was, has not publicly appeared, as it was doubtless paid by the General Government. If we could have access to the items, we think it could be shown that it would not fall far short of its predecessor. How much the United States charge per day for expresses, armed companies, military posess, and guards, and parks of artillery, for court services, we have no official data. Say at a rough guess, for the services of this court, fifty thousand dollars.

Suppose we now notice Judge Sinclair's court of 1858-9, held principally in the Scotch Hall, in this city. Commencing in October and ending in February, commonly known as the "Intermittent court." What was done in this celebrated court? Simply nothing. What, not in three months? No! Ourselves had the sublime privilege of being the hero of that three months' ordeal before that great tribunal. The charge, even though it had been sustained, could have been construed into no more than a simple contempt of a former court. That contempt, if proven, was,

properly punishable by the court before whom the contempt was perpetrated. Our case was tried; our defense; the Government paid from six to ten thousand dollars; and we were acquitted. Gentlemen of the bench and bar need not require us to say how such a simple contempt of court, as at the utmost it could have been construed, should pass by the court to whom the contempt had been offered, and transferred to his successor; nor how contemptible should such a matter appear. The acquittal and costs afforded to the Government were the simple results; and, plainly speaking, the Judge made an ass of himself.

The proceedings of that court accord with a story related of an editor who, on being applied to for more copy, replied: "Tell them to insert the account of a horrible fire, with great destruction of life and property." Again being informed it wanted a few more lines to fill up the column, "Say," replied he, "that just before going to press we have been very happy to learn that the above report is false." Thus ended the famous "Intermittent Court."

Next comes for notice the celebrated Eckels, who was such an admirer of military camps, military messes, military champagne, and military debauchery in its most degraded sense, that he scarcely ever left the camp; he obtained, during his administration, the euphonious sobriquet of "Thief Justice," from his known predilection for the company of thieves, and the unwavering friendship he manifested for them. It was extensively believed that he was associated with some of the notorious gangs that infested this country during his administration; as many of them openly boasted that "if they were imprisoned by the courts he would liberate them." It could scarcely be credited abroad that he was their confederate; but his acts certainly gave room for such suspicions. It is a notorious fact, that almost all the thieves that were condemned by the Probate Court were liberated by Judge Eckels, and turned loose on the community; and as to the expenses of this court, the following extract from the report of the "Directors of the Penitentiary" will show:—

"Owing to the excitement that prevailed and threats that were made, on account of certain prisoners then in the Penitentiary, afterwards discharged by Chief Justice D. R. Eckels, as before stated, we found it necessary to increase the guard, both for the safety of the Warden and guard, and also for the security of the convicts. This, in connection with the conveying of prisoners and guards to Camp Floyd at sundry times, very much increased the expenses of the Penitentiary for the present year."

The above are simply a few items. We might refer to the ten thousand dollars expended in the arrest of the common thief Carlos Murray, and numerous other incidents; but let this suffice for the present. Let us now recapitulate:

Heywood's accounts, . . .	\$65,000
Cradlebaugh's court, . . .	50,000
Sinclair's do. . . . .	5,000
Eckels' do. . . . .	5,000
Murray's arrest, . . . .	10,000
<b>Total</b> . . . . .	<b>\$135,000</b>

Here we have the snug little sum of \$135,000. Now, let us see what our Territorial tax is for the years 1856 to 1860 inclusive, \$78,391.87.

Thus, we have an account of an expenditure in excess of the income for the last six years of fifty-six thousand six hundred and eight dollars and thirteen cents. Now, supposing the Legislature had adopted the views of the Judges and his Excellency for years past, what would have been our position? We might have been without Territorial roads, bridges, and other public improvements, and laid ourselves liable to be saddled with a debt of \$56,608.13; Murray's arrest alone cost more than four years Territorial tax, and when he was caught he was liberated by Judge Drummond. And for what purpose is all this? To say the best, Judge Sinclair was the least offending; he did nothing during the term of the court above referred to. What have the others done? Insult our Legislature, misrepresent our Territory, calumniate, threaten, and dragoon our citizens; trample under foot our laws, and liberate our prisoners; and, according to the just, mild, and humane Cradlebaugh, "turn the Indians loose upon us." Such are a few of the benefits to be derived from an adherence to the recommendation of his Excellency and for not complying with such a modest request, the law passed by the Legislature assigning the Judges was vetoed, and justice allowed to fold her arms and go to sleep. But we are told by his Excellency that "the professional and personal reputation of these gentlemen entitles them to the respect and confidence of the community, and will dispel the distrust engendered by the action of their predecessors." Be it so; we do not wish to impugn the motives, or attach reproach to these gentlemen. We will say further, that we believe his Excellency is conscientious in his views on this subject. His Excellency must remember, however, that the other gentlemen were "all, all honorable men." They were appointed by the chief executive of the land, and their appointments confirmed by the Senate of the United States.

But what has respectability, or even honor, to do with this request? It is not a subject of probity, honor, integrity, or moral worth that we have to do with at present, but one of political expediency or economy. Whatever may be the worth of the present incumbents of the federal judiciary, a law once passed by the Legislature becomes not only a guide for them, but a precedent for others. It is either politic for the Legislature to protect the funds of this Territory from the chance of such extravagant expenditure or not. If, as shown, the administration of justice can be faithfully executed without such provision, it is certainly much better than to run the risk of a depletion of the treasury or Territorial bankruptcy. Former acts show that the guardians of the public interests have adopted a judicious course, and our citizens and Legislators should protest against the door being opened for the remotest chance of the recurrence of such extravagant and useless expenditure.

One thing more; his Excellency states that

"There should be a careful avoidance on your part of any action which might be construed into a desire of unnecessarily postponing the holding of district courts for the transaction of Territorial business. I am convinced that, should you adopt any measure calculated to produce such an impression, it would prove alike unwise and impolitic."

Had the above originated in some quarters, it might have been considered as so much bombast. We would not, of course, attribute anything of that kind to his Excellency, but think that in his zeal for his strange idea of Court provisions, he has simply committed an official blunder. Did it ever occur to his Excellency that after the Legislative Assembly had convened pursuant to his call, and apportioned the Judges, at his request, that his vetoing their bill on such a flimsy pretext might "be construed into a desire of unnecessarily (himself) postponing the holding of district courts?"

What have the Legislature done to induce such impositions? They promptly responded to the Governor's call of an extra session, and as promptly complied with his special request. They did all but provide for the passage of an obnoxious bill for "defraying court expenses."

We would here state, that such expenses as before referred to, have been repudiated by Congress, and if, with all the wealth of a great and powerful nation at command, they do not consider themselves called upon to meet such extravagant extra-judicial demands, surely it becomes a young territory to pause before entering so dangerous a maelstrom. If, therefore, according to their legislative oath, the guarding the interests of their constituents is considered "wise and impolitic," if to prevent the appropriation of funds for purposes for which they were never designed, be calculated "to produce wrong impressions," if to save the Territory from debt and bankruptcy "be construed into a desire of unnecessarily postponing the holding of district courts," be it so. Let the right take place. If South Carolina does go out of the Union, we think we can abide the issue.

PERSONAL.

MAJOR BLAIR, in a communication to us, bearing date of Dec. 11th, states that peace and prosperity prevails throughout Cache county.

We deeply sympathize with our old and well-tried friend in the bereavement to which he has of late been subjected, in the loss of his child; we are pleased, however, to hear that his indomitable energy is being rewarded by success in his commercial and general business operations.

As one of the first proprietors of the MOUNTAINEER, he must ever be entitled to the best wishes of all who desire the success of that department of the press in Utah; indeed, although his name is withdrawn as one of the proprietors and editors, he manifests his usual interest in the MOUNTAINEER.

For this we are grateful, and will endeavor to show our appreciation of the good will of our friends by continuing to discharge our duties to the press to the best of our poor ability.

Local News.

LEGISLATIVE ASSEMBLY.

COUNCIL.

Monday, Dec. 17, 1860, 1 p.m.

The session to-day was occupied with the consideration of four memorials to Congress, asking for an increase of mail facilities in this Territory, the construction of the Pacific Railroad, &c. The resolution of the House in regard to the publication of the Journals was adopted by the Council; also the House motion authorizing Councilor Geo. A. Smith to employ a sufficient number of clerks to assist him in compiling the Laws of Utah for presentation to the Legislative Assembly during its present session, was concurred in. Councilor Ray presented a "Resolution for the relief of delinquent tax-payers in Millard, Beaver, Iron and Washington counties," which was referred to the committee on revenue; after which the Council adjourned till to-morrow at 1 p.m.

Tuesday, 1 p.m.

The "Memorial to Congress for a Railroad from the Missouri river to California, on the central route," was again taken up, amended and adopted.

Wednesday, 1 p.m.

The following bills were received from the Hon. F. H. Woodruff, Secretary:

"Secretary's Office,"  
Great Salt Lake City, Dec. 19, 1860.  
Hon. D. H. Wells, President of the Council.

"Sir:—Allow me through you to thank the Council for the compliment conveyed in the invitation to take a seat within the bar of the Chamber. Hoping that success may crown your, and your associates' official labors,

"I remain, very respectfully,  
"Your obedient servant,  
"F. H. Woodruff."

The House memorial asking for the establishment by government of a permanent Pony Express line from St. Joseph to California, was read, and referred to the committee on memorials.

Councilor William R. Smith introduced a bill for "An act in relation to the construction of a road up Weber Canyon."

It was referred to the committee on roads, bridges, ferries, and canyons.

The Chaplain pronounced the benediction, and the Council adjourned till to-morrow at 1 p.m.

Thursday, 1 p.m.

Councilor Woodruff, chairman of the committee on revenue, made the following report:

"The committee on revenue, to whom was referred a Resolution for the relief of delinquent tax-payers in Millard, Beaver, Iron and Washington counties, would respectfully report, that in their judgment, legislation is unnecessary on that subject at the present time."

The committee on roads, bridges, ferries and canyons, reported unfavorably to the passage of an act for the construction of a road up Weber Canyon.

"An act in relation to the office of Territorial Superintendent of Common Schools," was received from the House, and on motion of Councilor G. A. Smith, referred to the committee on education.

Council then adjourned till to-morrow at 1 o'clock.

Friday, 1 p.m.

Several bills were received from the House, and after being read were referred to their appropriate committees.

The most important business of the day was the report of Hon. George A. Smith, committee on the compilation and revision of the laws of the Territory, a somewhat lengthy affair, but the well-known necessity for such a piece of work, rendered it unusually interesting.

[We believe that Councilor Smith has labored assiduously, and almost incessantly, since he was appointed to this work, in order to get it before the assembly at an early day, which he has succeeded in doing much sooner than was by many anticipated.]

The Council adjourned till Monday, at 1 p.m.

HOUSE.

Saturday, Dec. 15.

The House met according to adjournment.

Hon. John C. James presented a Memorial and joint resolution for the establishment of a Pony Express, and for a reasonable appropriation to defray the expense of said Pony Express. [Should this memorial pass both houses, and be sent to Washington, we think Congress will not be likely to grant the prayer of the memorialists, as a compliance therewith would be certain ruin to the present Post Office arrangement.]

H. P. Rockwood, Esq., moved that the House authorize Hon. Geo. A. Smith to employ a sufficient number of clerks to assist him in revising and compiling the laws of this Territory. It was sent to the Council for concurrence.

A resolution was offered by Mr. Thompson, authorizing the public printer to publish 500 copies of the Journals of the present session, which was adopted and sent to the Council.

The committee on memorials reported a memorial to Congress, asking for the construction of a railroad from the Missouri river to California on the central route; also, a memorial for mail service in Tooele and Shampub counties. Several resolutions of minor importance then passed, and the House adjourned till Monday, at 10 a.m.

Monday, 10 a.m.

The chief clerk read a somewhat lengthy report from the directors of the Penitentiary, by which it appears that there are now only nine prisoners confined there, the major part of those who have been sent to that establishment for correction, during the last twelve months, having been released through the good offices of his Honor Judge Eckels. The expenditure up to Dec. 10 is put down at \$4,592, being \$1,242 more than was appropriated by the Legislative Assembly last winter.

Hon. Hosea Stout presented a bill in relation to the holding of the Supreme Court, which, after some little debate, was tabled.

Several reports of committees were then presented, the substance of them being recommendations to repeal certain acts and resolutions relating to the canyons, timber and waters in Tooele valley.

On motion of Mr. Long, the freedom of the House was granted to the ex-members of both houses of the Legislative Assembly.

Hon. C. W. Wandell, of the committee on education, reported that they fully endorsed the sentiments contained in the 31st par. of the Governor's Message, but that the present financial condition of the Territorial treasury would not warrant the establishment of a permanent school fund.

A bill relating to the office of territorial superintendent of common schools was next introduced, and was laid on the table to come up in its order.

Mr. Long presented a bill for an act in relation to forms of actions in civil cases, and the parties thereto.

Two of the bills that had been tabled were called up, and passed their first reading, after which the House adjourned till to-morrow at 1 p.m.

Tuesday, 1 p.m.

The following interesting communication was received from their Honors

Judges John F. Kinney and Henry R. Crosby:

"GREAT SALT LAKE CITY,  
Dec. 16, 1860.

"Hon. John Taylor, Speaker of the House of Representatives, Utah Territory:  
Sir:—Your letter of the 14th inst. informing us that a resolution had passed the House of Representatives, requesting the Judges of the Supreme Court to report to the Legislative Assembly all omissions, discrepancies, or other evident imperfections in the laws, which have fallen under their observation, in conformity to the fourth section of an act in relation to the Judiciary, approved Feb. 4th, 1852, was duly received."

"In reply we beg leave respectfully to say, that we fully concur with the opinion expressed by his Excellency, the Governor, in his late message, that the laws of Utah are in many respects imperfect, and not suited to the advanced condition and important business relations which the Territory has assumed within the last few years, and since the enactment of these laws."

"Without attempting to point out specifically the imperfections and discrepancies, we would respectfully suggest that in place of amendments, in our opinion, the object of the Legislature could be better attained, public and private interests better protected, and the administration of justice by the courts rendered more speedy and complete, and a entire revision of the present general laws by code commissioners, and the enactment of a code adapted to the advanced growth and condition of the Territory."

"It is believed that nearly every State and Territory of the Union have passed codes of civil procedure, thereby dispensing with the useless forms and tardy justice of the common law, and we know of no reason why Utah should be behind her sister Territories in the work of legal reform."

"With the assistance of these codes, approved as they have been by time and experience, we do not hesitate in saying that competent commissioners would be able to prepare, during the present session of the Legislature, a suitable and well-digested code of laws."

"A practice act is imperiously demanded, and we trust, the session will not terminate without providing a law so important to the successful administration of justice."

"Very respectfully,  
"J. F. KINNEY,  
"HENRY R. CROSBY."

Reports from the committees on roads, bridges, ferries, canyons and revenue, were received.

Mr. Wandell brought in a bill entitled "An act concerning Justices of the Peace," which contained 89 sections.

The bill in relation to common schools was taken up, amended, and passed its second reading.

A special committee was appointed to confer with the Federal Judges relative to the most suitable times for holding the sessions of the Supreme Court.

Wednesday, 1 p.m.

Mr. Tharber presented a petition from Henry J. Young and others, asking for the erection of two bridges across the Provo river.

Mr. Benson, of the special committee appointed to consider the bill assigning the Chief Justice and his associates to the several judicial districts, reported that they had considered the subject and weighed it thoroughly, and they recommended the enacting of the bill.

Mr. James presented a bill for "An act awarding damages on judgments taken to the Supreme Court for delay."

The committee on judiciary reported that they had examined the bill entitled "An act in relation to forms of actions in civil cases, and the parties thereto," and recommended that it be amended by striking out sections 6, 7, 9 and 12. It was laid on the table to come up in its order.

Hon. C. W. West introduced a bill for "An act prescribing the manner of assessing and collecting Territorial and County taxes."

Bills Nos. 9, 10, and 13, House file, and No. 1, Council file, passed their first reading; and "An act relating to the office of Territorial Superintendent of Common Schools," was then taken up on its third reading, and passed by its title.

Mr. Thompson, of Millard county, made the following motion: "I move that the committee on revenue be instructed to inquire of the Territorial Treasurer in regard to bills receivable on hand, as reported in 1859 and 1860; the condition of said bills, and why not paid; also, to inquire if the wheat on hand was paid on taxes, and if so, at what price, and at what price disposed."

Several other motions were made, after which, the House adjourned till to-morrow at 2 p.m.

Thursday, Dec. 20th, 2 p.m.

Mr. West presented a petition from the inhabitants of Weber valley and others, asking for a county organization.

Mr. Benson, chairman of the committee on elections, reported the number and kind of offices to be filled by the Joint Session of the Legislative Assembly. The following bills were introduced: A bill for "An act constituting Carson county jail a branch Penitentiary" by Mr. James; a bill for "An act to authorize the opening of a road up Weber river canyon, and to appropriate money therefor," by Mr. McGraw; a bill for "An act regulating the interest on moneys loaned in Utah," by Mr. James.

The bill assigning the federal Judges to their respective districts, passed its second reading. An act repealing certain acts of the Legislature and ordinances of the Provisional Government, respecting grants to private individuals, to control the waters, canyons and timber in Tooele county, passed its third reading. The act in reference to delays in the Supreme court passed its first reading; and that in relation to forms of actions in civil cases, passed its second reading, after much discussion and the striking out of sections 6, 7, 9 and 12.

Mr. James brought in a bill concerning the powers and duties of district Judges. After which the house adjourned.

Friday, 10 a.m.

The report of Theodore McKean, territorial road commissioner, was received

and referred to the committee on claims and appropriations.

Mr. Benson presented a petition from some half dozen citizens of Carson county, asking the Governor to nominate, and the Legislative assembly to appoint, Henry F. Rice, notary public. A letter from Judge Flinniken accompanied the petition, in which he recommended Mr. Price as a competent and worthy person to fill the office he sought.

The committee on roads, bridges, ferries and canyons, reported the territorial road commissioner to open a road up Weber Canyon, and providing for an appropriation of \$25,000 out of the territorial treasury, for the construction of said road. The bill passed its first reading. The bill assigning the Chief Justice and his associates to their respective judicial fields of labor, was read the third time. Mr. Long moved the passage of the bill, but after considerable discussion, the motion by Mr. Woolley to lay it over till to-morrow, prevailed.

House file No. 10, entitled "An act concerning Justices of the Peace," was taken up on its second reading. This ponderous document of twenty-two printed pages of foolscap, and eighty sections, occupied the House about three hours. The debate was principally upon the first section, which reads as follows:

"Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That at the general election on the first Monday in August, in the year one thousand eight hundred and sixty-two, and every two years thereafter, there shall be elected in each election precinct in the several organized counties in this Territory, one justice of the peace; and the same may be increased in any precinct by the county court, whenever they shall deem that the public good requires it; provided, that no sheriff, coroner, or clerk of a court, shall be eligible to hold such office."

Mr. Long moved to amend said section by inserting the words "County attorney" between the words "no" and "sheriff."

A spirited discussion ensued, and when the amendment was first voted on there were nine ayes and nine noes. On a second vote being called, two gentlemen, who were previously neutral, voted against the amendment. The fourth section was amended by striking out the last line words, and sections forty-six and forty-seven were stricken out, after which the bill passed its second reading.

A bill repealing certain acts respecting the waters and timber in Tooele county, passed its third reading, and was sent to the Council for concurrence.

A bill for an act awarding damages in cases sent to the Supreme Court for delay, passed its second reading.

A bill for an act in relation to forms of actions in civil cases, and the parties thereto, passed its third reading.

The House adjourned till to-morrow at 10 a.m.

AFFAIRS IN CACHE COUNTY.

Judge Peter Maughan writes to us as follows, from Logan, Cache county, under date December 14th:

"Believing that a word from the north might not be amiss, I have the pleasure of stating that peace prevails over this valley at present. Improvements are going on rapidly; school-houses are in progress in every settlement, some of which have already been finished and schools commenced."

"Six saw mills and two flouring mills are in successful operation, and several others are in course of erection. Mr. Livingston is building a carding machine; Mr. Wardrobe has commenced to manufacture slates for schools and for other purposes; he flatters himself that by next summer he will be able to supply the whole Territory with that article."

"The citizens of Logan, Hyde Park, and Smithfield, have commenced to dig an aqueduct to convey a portion of the Logan River north as far as Smithfield; it will be about twelve miles long, and its estimated cost is from twelve to fifteen thousand dollars."

"The citizens of Wellsfield and Mendon have an aqueduct in contemplation that will be equally as expensive as the before-named. And the citizens of Franklin are taking out Cub River, which will be an enormous expense, for irrigating purposes."

"Very little snow has fallen in this valley this season, which makes it very favorable for the stock on the range."

"The Indians are peaceable, although in a very destitute condition. There has only been one small appropriation made to them by the Indian Superintendent since the first settlement of this valley by the whites: consisting of fourteen pairs of blankets, one hundred pounds of flour, a few butcher knives, and some other small traps, such as looking-glasses, &c. The blankets did not amount to one for every fifty Indians that made application for them."

"We have heard that the general government has appointed a new superintendent to administer to the wants of the red men. If this be true, it will be a great relief to the citizens here; for humanity has compelled them, during the past five years, to distribute hundreds of bushels of their own wheat, large quantities of their flour, and other produce, besides a large number of beef cattle, and considerable clothing, to the red men of the forest who roam through this region of country. They claim the very land that we occupy; indeed, these northern Indians, by whom we are surrounded, plead with all the skill of a Philadelphia lawyer in asserting their title to this land, and continue to claim such distributions, as above mentioned, as a righteous remuneration for our privilege